

CLOSED,IFP

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:17-cv-02227-LAB-KSC

Morgan v. Berryhill
Assigned to: Judge Larry Alan Burns
Referred to: Magistrate Judge Karen S. Crawford
Related Case: 3:18-cv-00380-LAB-KSC
Cause: 05:0552fi Freedom of Information Act

Date Filed: 11/01/2017
Date Terminated: 03/05/2019
Jury Demand: None
Nature of Suit: 864 Social Security: SSID
Tit. XVI
Jurisdiction: U.S. Government Defendant

Plaintiff**Travis Morgan**

represented by **Travis Morgan**
4225 Chamoune Ave.
Apt. 314
San Diego, CA 92115
619-535-6366
PRO SE

V.

Defendant

Nancy Berryhill
*Acting Commissioner, Social Security
Administration*

represented by **U S Attorney CV**
U S Attorneys Office Southern District of
California
Civil Division
880 Front Street
Suite 6253
San Diego, CA 92101
(619)557-5662
Fax: (619)557-7122
Email: Efile.dkt.civ@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rebecca Grace Church
United States Attorney's Office
Southern District of California
880 Front Street
Room 6293
San Diego, CA 92101
(619) 546-7721
Email: rebecca.church@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/01/2017	<u>1</u>	COMPLAINT against Nancy Berryhill, IFP Filed, filed by Travis Morgan. (Attachments: # <u>1</u> Civil Cover Sheet) The new case number is 3:17-cv-2227-LAB-KSC. Judge Larry Alan Burns and Magistrate Judge Karen S. Crawford are assigned to the case. (Travis Morgan)(rmc) (sjt). Modified on 7/26/2018 to remove Public Terminal access to document (rmc). (Entered: 11/01/2017)
11/01/2017	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Travis Morgan. (rmc) (Entered: 11/01/2017)

11/01/2017	<u>3</u>	MOTION to Appoint Counsel by Travis Morgan. (rmc) (Entered: 11/01/2017)
11/01/2017	4	TEXT ORDER OF REFERRAL: All matters arising out of this social security appeal, including the motion to proceed in forma pauperis, and request for appointment of counsel are referred to United States Magistrate Judge Karen S. Crawford for a Report and Recommendation. The parties are instructed to contact Magistrate Judge Crawford's chambers with respect to all scheduling, hearings, or other issues. Signed by Judge Larry Alan Burns on 11/1/17. (no document attached) (rls) (Entered: 11/01/2017)
11/27/2017	<u>5</u>	ORDER denying without prejudice <u>2</u> Motion for Leave to Proceed in forma pauperis. Plaintiff must sign the Affidavit, make sure the information he provided on pages 1 through 5 of the Application are current, and then re-submit his completed Application within 20 days of the date this Order is entered. Signed by Magistrate Judge Karen S. Crawford on 11/27/2017. (All non-registered users served via U.S. Mail Service)(jdt) (Entered: 11/28/2017)
11/27/2017	<u>6</u>	ORDER denying <u>3</u> Motion to Appoint Counsel. Signed by Magistrate Judge Karen S. Crawford on 11/27/2017. (All non-registered users served via U.S. Mail Service)(jdt) (Entered: 11/28/2017)
12/01/2017	<u>7</u>	MOTION for Leave to Proceed in forma pauperis by Travis Morgan. (jdt) (Entered: 12/01/2017)
12/01/2017	<u>12</u>	Notice of Document Discrepancies and Order Thereon by Magistrate Judge Karen S. Crawford Accepting Document: Motion to Strike Document, from Plaintiff Travis Morgan. Non-compliance with local rule(s): Civ. L. Rule 5.1: Missing time and date on motion; Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document; OTHER: Civ.L. Rule 5.2 Missing proof of service. Nunc Pro Tunc 12/1/2017. Signed by Magistrate Judge Karen S. Crawford on 12/8/2017.(All non-registered users served via U.S. Mail Service)(jdt) (Main Document 12 replaced on 12/13/2017) (jdt). (Entered: 12/11/2017)
12/07/2017	<u>8</u>	ORDER Granting <u>7</u> Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs. Signed by Magistrate Judge Karen S. Crawford on 12/7/2017. (All non-registered users served via U.S. Mail Service)(jdt) (Entered: 12/08/2017)
12/08/2017	<u>9</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. Summons will be mailed to plaintiffs not receiving notice electronically. (jdt) Modified on 12/11/2017 to remove IFP letter; no marshal service was ordered (jdt). (Entered: 12/08/2017)
12/08/2017	<u>10</u>	Notice of Document Discrepancies and Order Thereon by Magistrate Judge Karen S. Crawford Accepting Document: Motion to File New Exhibit, from Plaintiff Travis Morgan. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing time and date on motion; Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document; OTHER: Civ.L. Rule 5.2 Missing proof of service. Nunc Pro Tunc 12/1/2017. Signed by the Chambers of Magistrate Judge Karen S. Crawford on 12/8/2017.(All non-registered users served via U.S. Mail Service)(jdt) (Entered: 12/08/2017)
12/08/2017	<u>11</u>	MOTION to File New Exhibit by Travis Morgan. Nunc Pro Tunc 12/1/2017. (jdt) (Main Document 11 replaced on 12/8/2017; regenerated NEF) (jdt). (Entered: 12/08/2017)
12/08/2017	<u>13</u>	MOTION to Strike Document, by Travis Morgan. Nunc Pro Tunc 12/1/2017 (jdt) Modified to correct event title on 12/11/2017 (jdt). (Entered: 12/11/2017)
01/11/2018	<u>14</u>	SUMMONS Returned Executed by Travis Morgan. Nancy Berryhill served. (jdt) (Entered: 01/11/2018)
02/23/2018	<u>15</u>	Notice of Document Discrepancies and Order Thereon by Magistrate Judge Karen S. Crawford Accepting Document: Motion to Amend, from Plaintiff Travis Morgan. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing time and date on motion and/or supporting documentation, Civ L. Rule 5.2: Missing proof of service, Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate

		document. Nunc Pro Tunc 2/14/2018. Signed by Magistrate Judge Karen S. Crawford on 2/23/2018.(All non-registered users served via U.S. Mail Service)(jdt) (Entered: 02/23/2018)
02/23/2018	<u>16</u>	MOTION to Amend <u>1</u> Complaint, by Travis Morgan. Nunc Pro Tunc 2/14/2018. (All non-registered users served via U.S. Mail Service) (jdt) (Entered: 02/23/2018)
03/05/2018	<u>17</u>	MOTION to Appoint Counsel by Travis Morgan. (jdt) Modified on 7/26/2018 to remove Public Terminal access to document (rmc). (Entered: 03/05/2018)
03/29/2018	<u>18</u>	ORDER granting <u>11</u> Motion to File New Exhibit; granting <u>16</u> Motion to File Amended Complaint; denying <u>17</u> Motion to Appoint Counsel. Signed by Judge Larry Alan Burns on 3/29/2018. (All non-registered users served via U.S. Mail Service) (jah) (Entered: 03/30/2018)
04/30/2018	<u>19</u>	Notice of Document Discrepancies and Order Thereon by Judge Larry Alan Burns Accepting Document: Motion for Summary Judgment and Motion to Seal, from Plaintiff Travis Morgan. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing time and date on motion and/or supporting documentation, Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 4/17/2018. Signed by the Chambers of Judge Larry Alan Burns on 4/30/2018.(All non-registered users served via U.S. Mail Service)(jdt) (Entered: 04/30/2018)
04/30/2018	<u>20</u>	MOTION to Seal a Previously Filed Document re <u>17</u> MOTION to Appoint Counsel by Travis Morgan. Nunc Pro Tunc 4/17/2018. (All non-registered users served via U.S. Mail Service) (jdt) Modified on 4/30/2018 to add Nunc Pro Tunc date (jdt). (jjg). (Entered: 04/30/2018)
04/30/2018	<u>21</u>	MOTION for Summary Judgment by Travis Morgan. Nunc Pro Tunc 4/17/2018. (All non-registered users served via U.S. Mail Service) (jdt) (Entered: 04/30/2018)
05/09/2018	<u>22</u>	Notice of Document Discrepancies and Order Thereon by the Chambers of Judge Larry Alan Burns Accepting Document: Notice of Defendant's Deceptive Actions & Request Enforcement, from Plaintiff Travis Morgan. Non-compliance with local rule(s), Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 5/8/2018. (All non-registered users served via U.S. Mail Service)(rmc) (Entered: 05/09/2018)
05/09/2018	<u>23</u>	Notice of Defendant's Deceptive Actions and Request Enforcement by Travis Morgan. Nunc Pro Tunc 5/8/2018. (rmc). Added MOTION to Compel <i>Discovery</i> on 2/12/2019 for purpose of docketing ruling (jdt). (Entered: 05/09/2018)
05/17/2018	<u>24</u>	NOTICE of Failure to Serve by Nancy Berryhill (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca)Attorney Rebecca Grace Church added to party Nancy Berryhill (pty:dft) (jdt). (Entered: 05/17/2018)
06/11/2018	<u>25</u>	SUMMONS Returned Executed by Travis Morgan. Nancy Berryhill served. (jdt) (Entered: 06/12/2018)
06/25/2018	<u>26</u>	MOTION to Dismiss for Lack of Jurisdiction <i>Mootness</i> by Nancy Berryhill. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Chyn, # <u>3</u> Exhibit A-1, # <u>4</u> Exhibit A-2, # <u>5</u> Exhibit A-3, # <u>6</u> Exhibit A-4, # <u>7</u> Exhibit A-5, # <u>8</u> Exhibit A-6, # <u>9</u> Exhibit A-7, # <u>10</u> Exhibit A-8, # <u>11</u> Exhibit A-9, # <u>12</u> Exhibit A-10, # <u>13</u> Exhibit A-11, # <u>14</u> Exhibit A-12, # <u>15</u> Exhibit A-13, # <u>16</u> Proof of Service)(Church, Rebecca) (jdt). (Entered: 06/25/2018)
06/25/2018	<u>27</u>	RESPONSE in Opposition re <u>21</u> MOTION for Summary Judgment filed by Nancy Berryhill. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jdt). (Entered: 06/25/2018)
07/05/2018	<u>28</u>	ORDER Setting Briefing Schedule on Defendant's Motion to Dismiss (ECF No. <u>26</u>). Plaintiff's opposition due by 7/23/2018. Defendant's reply due by 7/30/2018. Signed by Magistrate Judge Karen S. Crawford on 07/05/2018.(All non-registered users served via U.S. Mail Service)(ajs) (Entered: 07/05/2018)
07/23/2018	<u>29</u>	RESPONSE in Opposition re <u>26</u> MOTION to Dismiss for Lack of Jurisdiction <i>Mootness</i> filed by Travis Morgan. (jdt) (Entered: 07/23/2018)

07/26/2018	<u>30</u>	Before the Court is plaintiff's Motion to Strike. [Doc. No. 13.] In the Motion, plaintiff requests that a page attached to his Complaint be stricken from the Court's record because it includes a social security number. The Court denies plaintiff's Motion, because it is not possible to strike or redact a page of the Complaint. However, plaintiff is advised that the public does not have access to his Complaint. To strike the page and replace it with a redacted page that does not show the social security number, plaintiff would need to file an amended complaint, but this is not necessary, because the public does not have access to the original Complaint. In addition, the Court has already filed a redacted copy of this page in the record in connection with a separate Motion filed by plaintiff. Signed by Magistrate Judge Karen S. Crawford on 7/26/2018. (no document attached) (plh) (Entered: 07/26/2018)
07/26/2018	<u>31</u>	Before the Court is plaintiff's Motion to Seal. [Doc. No. 20.] In the Motion, plaintiff requests that the Court seal a page of a document he filed on March 5, 2018 because it includes a birthdate. The Court has reviewed the document filed on March 5, 2018 that plaintiff refers to in his Motion [Doc. No. 17], but is unable to locate a birthdate in the document. Although the Court denies plaintiff's Motion to Seal, plaintiff is advised that the public does not have access to the document he wants to seal, because it includes other private information. Signed by Magistrate Judge Karen S. Crawford on 7/26/2018. (All non-registered users served via U.S. Mail Service)(no document attached) (plh) (Entered: 07/26/2018)
07/30/2018	<u>32</u>	REPLY to Response to Motion re <u>26</u> MOTION to Dismiss for Lack of Jurisdiction <i>Mootness</i> filed by Nancy Berryhill. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jdt). (Entered: 07/30/2018)
08/15/2018	<u>33</u>	Notice of Document Discrepancies and Order Thereon by Magistrate Judge Karen S. Crawford Accepting Document: Motion to Compel Defendant's Obligations, from Plaintiff Travis Morgan. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing time and date on motion and/or supporting documentation, Civ. L. Rule 7.1: Lacking memorandum of points and authorities in support as a separate document. Nunc Pro Tunc 8/10/2018. Signed by Magistrate Judge Karen S. Crawford on 8/15/2018.(All non-registered users served via U.S. Mail Service)(jdt) (Entered: 08/15/2018)
08/15/2018	<u>34</u>	MOTION to Compel Defendant's Obligations by Travis Morgan. Nunc Pro Tunc 8/10/2018. (jdt) Modified on 8/15/2018 to add Nunc Pro Tunc date (jdt). (Entered: 08/15/2018)
08/21/2018	<u>35</u>	RESPONSE in Opposition re <u>34</u> MOTION to Compel <i>Defendant's Obligations</i> filed by Nancy Berryhill. (Attachments: # <u>1</u> Proof of Service)(Church, Rebecca) (jdt). (Entered: 08/21/2018)
09/07/2018	<u>36</u>	Notice of Document Discrepancies and Order Thereon by Magistrate Judge Karen S. Crawford Accepting Document: Plaintiff's Response to Defendant's Opposition of Obligations, from Plaintiff Travis Morgan. Non-compliance with local rule(s), Civ. L. Rule 5.1: Missing time and date on motion, Civ. L. Rule 7.1: Documents are not timely. Nunc Pro Tunc 8/27/2018. Signed by the Chambers of Magistrate Judge Karen S. Crawford on 9/7/2018.(All non-registered users served via U.S. Mail Service)(jdt) Modified on 9/7/2018 to correct judge association (jdt). Modified on 9/11/2018 (jdt). (Entered: 09/07/2018)
09/07/2018	<u>37</u>	Plaintiff's Response to Defendant's Opposition of Obligations, re <u>34</u> MOTION to Compel, filed by Travis Morgan. Nunc Pro Tunc 8/27/2018. (jdt) (Entered: 09/07/2018)
02/11/2019	<u>38</u>	REPORT AND RECOMMENDATION re Plaintiff's Motion for Summary Judgment (Doc. No. <u>21</u>) and Defendant's Motion to Dismiss (Doc. No. <u>26</u>). It is hereby recommended that the District Court issue an order: (1) denying plaintiff's Motion for Summary Judgment (Doc. No. <u>21</u>); (2) denying plaintiff's request for entry of a default judgment against defendant (Doc. No. <u>21</u>); (3) granting defendant's Motion to Dismiss plaintiff's FOIA claim as moot and for lack of subject matter jurisdiction; and (4) granting defendant's Motion to Dismiss Nancy Berryhill, Acting Commissioner of SSA. Within fourteen days after being served with a copy of this Report and Recommendation, any party may serve and file written objections. Signed by Magistrate Judge Karen S. Crawford on 2/11/2019. (All non-registered users served via U.S. Mail Service) Modified on 2/11/2019 to add service by U.S. Mail to nonregistered users (jdt). (Entered: 02/11/2019)

02/12/2019	<u>39</u>	ORDER Denying Plaintiff's "Notice of Defendant's Deceptive Actions and Request (for) Enforcement," Construed as a Motion to Compel Discovery and a Motion for Discovery Sanctions (Doc. No. <u>23</u>). Signed by Magistrate Judge Karen S. Crawford on 2/12/2019. (All non-registered users served via U.S. Mail Service) (jdt) (Entered: 02/12/2019)
02/12/2019	<u>40</u>	ORDER Denying Plaintiff's "Motion to Compel Defendant's Obligations," Construed as a Motion to Compel Discovery (Doc. No. <u>34</u>). Signed by Magistrate Judge Karen S. Crawford on 2/12/2019. (All non-registered users served via U.S. Mail Service) (jdt) (Entered: 02/12/2019)
03/05/2019	<u>41</u>	ORDER Adopting Report and Recommendation (Dkt. <u>38</u>). Plaintiff's motions for summary and default judgment are denied, (Dkt. <u>21</u>), and Defendant's motion to dismiss is granted. Dkt. <u>26</u> . The clerk is directed to enter judgment in favor of Defendant and close the case. Signed by Judge Larry Alan Burns on 3/4/2019. (All non-registered users served via U.S. Mail Service) (jdt) (Entered: 03/05/2019)
03/05/2019	<u>42</u>	CLERK'S JUDGMENT. IT IS SO ORDERED AND ADJUDGED: The Court has reviewed the Report and Recommendation and adopts it in full. Plaintiff's motions for summary and default judgment are denied, and Defendant's motion to dismiss is granted. (All non-registered users served via U.S. Mail Service) (jdt) (Entered: 03/05/2019)